President.—I suppose our Regulation refers to the same. Both have equal validity and force. Is there any rule in the Council law regarding this matter.

Mr. T. K. Krishna Menon.—There is no rule.

Mr. C. Achyuta Menon.—In all Indian States, it is "Regulation."

Mr. K. T. Mathew.—In Mysore it is "Act."

President.—Here we call it as "Regulation"; say, in the case "of the Cochin Factories Regulation".

Mr. C. A. Kunjunni Raja.—Standing Order 5 (2) lays down that the Secretary shall report to the Council the Regulations that have received the assent of His Highness the Maharaja. So, in our Council law, it is laid down that we should call it as Regulation.

President.—We ought to call them properly as "Regulations" and not "Acts". Then, coming to sub-clause (1) of clause 2, the date on which it shall come into force has to be determined. Generally, this has to be passed at a subsequent meeting. Then, you will have to send it up to His Highness for His Highness' assent, and then obtain the Government of India's sanction. All that will take time. So shall we say that it shall come into force at once?

Mr. K. Achyuta Menon.—Sir, I beg to move that the last word "from" be omitted in clause 1, sub-clause (2), and the words "at once" be substituted in its place.

Mr. T. K. Krishna Menon.—Sir, I beg to second it.

The motion was put to votes and carried. The preamble and the clause as amended were put to votes and carried.

Mr. K. Achyuta Menon.—I beg to move that the Cotton Industry (Statistics) Bill as amended be taken up and passed at the next Friday's meeting.

Mr. T. K. Krishna Menon.—Sir, I beg to second it.

The motion was put to votes and carried.

The Nambudiri Kudumba Bill.

മിസ്റ്റർ കെ. ശങ്കരൻ നമ്പൂതിരി:—നമ്പൂതിരികുഡുംബബില്ലിൽ സെലക്ട് കമ്മിറ്റിയുടെ റിപ്പോർട്ട് ഈ സഭമുമ്പാകെ ഞാൻ ഹാജരാക്കുന്നു. കഴിഞ്ഞ കുഭമാസത്തിലാണ് സിലക്ട് കമ്മിറ്റിയെ നിയമിച്ചത്. കഴിഞ്ഞ എടവത്തിലും കർക്കടകത്തിലും ആയി കമ്മിറ്റിക്കാർ രണ്ടുയോഗംകൂടി കമ്മിറ്റി അനുവർത്തിക്കേണ്ട നടപടികളേപ്പറ്റി ആലോചിച്ചു തീർച്ചപ്പെടുത്തുകയുണ്ടായി. കൂടാതെ ബില്ലിനേയും നമ്പൂതിരി സമുദായത്തേയും പറ്റി കൂടുതൽ അറിവു സമ്പാദിക്കേണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി കമ്മിറ്റിക്കാർ ഏതാനും ചോദ്യങ്ങൾ തയ്യാറാക്കി ഗസറ്റിൽ പ്രസിദ്ധം ചെയ്യുകയും, നമ്പൂതിരി സമുദായത്തിൽപ്പെട്ട മിക്കവർക്കും, അവരുടെ കാര്യങ്ങളേപ്പറ്റി ജ്ഞാനമുള്ള പല അന്യ സമുദായാം

ഗങ്ങൾക്കും അയച്ചുകൊടുക്കയും ചെയ്തു. ആ വഴിക്ക് ആകെ ഫ,ന്നൂറിനു പേരുടെ അഭിപ്രായങ്ങളാണ് കമ്മിറ്റിക്ക് ലഭിച്ചിട്ടുള്ളത്. സ്റ്റേറ്റുമെണ്ട് അയച്ചിട്ടുള്ളവരുടെ പേരുവിവരം ലിസ്റ്റ് കമ്മിറ്റി റിക്കാട്ട് കളോടുക്കുടിയുണ്ട്. ഈ സ്റ്റേറ്റുമെണ്ടുകളിൽ ചിലതു് ഫ00-ം, ഭം-ം ആളുകൾ ഒന്നു ചേർന്നു അയച്ചിട്ടുള്ളതാണു്. അതെല്ലാം പ്രത്യേകം പ്രത്യേകമായി വിചാരിക്കുന്നതായാൽത്തന്നെ ഫന്നൂറിനു പേരിൽ ഒരു പേർ ബില്ലിനു അനുകൂലമായും ഇരുപേർ പ്രതികൂലമായും കാണപ്പെടുന്നതാണു്. ക്രൂട്ടു സ്റ്റേറ്റുമേണ്ടുകൾ പ്രത്യേകമല്ലാതെ ഗണിക്കുന്നതായാൽ നൂറു സ്റ്റേറ്റുമെണ്ടുകളാണു് കിട്ടിയിരിക്കുന്നതു്. അങ്ങനെ ആയാലും ഒന്നുൻ അനുകൂലമായും, നൂരി മാത്രം പ്രതികൂലമായും കാണാം.

ഈ വിധം തെളിവു ശേഖരിക്കുകയും അറിവു് സമ്പാദിക്കുകയും ചെയ്തതുകൊണ്ടുമാത്രം കമ്മിറ്റിക്കാർ തൃപ്തിപ്പെട്ടില്ല. പിന്നീടു് അവർ ചെറുതുരുത്തി, ചാലക്കുടി, തൃപ്പൂണിത്തുറ, കുന്നംകുളം, തൃശ്ശിവപേരൂർ ചേറ്റു്, ഇരിങ്ങാലക്കുട, അന്തിക്കാടു മുതലായ ദിക്കുകളിൽ യോഗങ്ങൾ കൂടി ഭേദപ്പെട്ട പല നമ്പൂതിരിമാരേയും നേരിട്ടു വിസ്തരിച്ചു് തെളിവെടുക്കയും ചെയ്തു. യോഗസ്ഥലങ്ങളും തിയ്യതികളും മുൻക്രട്ടിതന്നെ ഗസറ്റിൽ പരസ്യംചെയ്തയും, ചോദ്യങ്ങളോടുകൂടി പ്രത്യേക നോട്ടീസുമൂലം നമ്പൂതിരിമാരെ അറിയിക്കയും ചെയ്തിട്ടു് നേരിട്ടു വിസ്തരിച്ചതിൽ ൻറ പേരുടെ മൊഴികൾ കിട്ടീട്ടുണ്ടു്. അതിലും അനുകൂലികളുടെ തുക ർൻ-ം പ്രതികൂലികളുടെ സംഖ്യ ർഫ-ം ആയിട്ടാണിരിക്കുന്നതു്. പ്രതികൂലമായി മൊഴി തന്നവരിൽത്തന്നെ അധികം പേരും ഇപ്പോഴത്തെ ഭരണ ദുഷ്യത്തേയും കണക്കുവെക്കേണ്ട ആവശ്യത്തേയും, കടംവാങ്ങുന്നതിൽ അനന്തിരവന്മാരോടു് ആലോചിക്കാതിരിക്കുന്നതു് ഉണകരമല്ലെന്നു് സംഗതിയേയും സമ്മതിച്ചു് പറയുന്നുണ്ടു്. ഈ വക ദുഷ്യങ്ങൾ ഉണ്ടെന്നു അവർ അഭിപ്രായപ്പെടുകയും സമ്മതിക്കയും ചെയ്യുന്നുണ്ടെങ്കിലും, അതിനെ നിയമംകൊണ്ടു് വ്യവസ്ഥപ്പെടുത്തുന്നതിൽ വിരോധമായിട്ടാണു് പറയുന്നതു്. ഇപ്രകാരം തെളിവുകൾ സമ്പാദിച്ചതിനുശേഷം കമ്മിറ്റിക്കാർ ഒന്നു രണ്ടു തവണ യോഗം കൂടി കൂലങ്കഷമായി പര്യാലോചിച്ചിട്ടാണു് ഇപ്പോഴത്തെ ബിൽ തയ്യാറാക്കിട്ടുള്ളതു്. ഇന്നത്തെ കാലസ്ഥിതിയേയും തെളിവുകളേയും അടിസ്ഥാനമാക്കി ആദ്യം ഞാൻ ഇവിടെ അവതരിപ്പിച്ച ബില്ലിൽ ചില മാറ്റങ്ങൾകമ്മിറ്റിക്കാർ വരുത്തീട്ടുണ്ടു്. സെലക്ടു് കമ്മിറ്റി മെമ്പർമാരിൽ അധികംപേരും ഈ ബില്ലിനെ അനുകൂലിക്കയും ചെയ്തിരിക്കുന്നു. ചിലവിനു്കൊടുക്കുന്ന സംഗതിയേപ്പറ്റി മാത്രമെ കമ്മിറ്റിക്കാരുടെ ഇടയിൽ പ്രധാനമായി അഭിപ്രായവ്യത്യാസമുണ്ടായിട്ടുള്ളു. ഈ റെഫ്രലേഷന്റെ മൂലതത്വങ്ങളേപ്പറ്റി നമ്പൂതിരി സമുദായം 85-മുതൽ 17 കൊല്ലമായി തുടരത്തുടരെ ആലോചിച്ചിട്ടുള്ളതാണു്. 95-ലും, 97-ലും, 99-ലും ഈ വിഷയത്തെപ്പറ്റി അന്വേഷണം നടത്തുന്നതിനു് നമ്പൂതിരി യോഗക്ഷേമ സഭ ഓരോ കമ്മിറ്റിയെ നിയമിക്കയുണ്ടായി. അവരും ചോദ്യങ്ങൾകൊണ്ടും അന്വേഷണങ്ങൾ വഴിയായും തെളിവുകൾ ശേഖരിക്കുകയും അതുകളെ അടിസ്ഥാനപ്പെടുത്തി

LIBRARY ARCHIVES Kerala Legislative Assembly

നിയമത്തിന്റെ ആവശ്യത്തെ രേഖപ്പെടുത്തുകയും ചെയ്തിട്ടുണ്ട്. ആ കമ്മിറ്റിക്കാരുടെ തീരുമാനങ്ങൾ അനുസരിച്ചുതന്നെയാണ് ആദ്യത്തെ ബിൽ ഞാൻ ഇവിടെ കൊണ്ടുവന്നതു്. കാരണവരുടെ അധികാരങ്ങളെ ആദ്യത്തെ ബില്ലുകൊണ്ടു് വളരെ കുറച്ചിരിക്കുന്നു എങ്കിലും ഇപ്പോൾ കിട്ടിയ തെളിവുകളെ ആധാരമാക്കി ആ വിഷയത്തിൽ പല ഭേദഗതികളും ചെയ്യേണ്ടിവന്നിട്ടുണ്ടു്. കുടുംബഭരണ സമ്പ്രദായത്തിൽ നായർ സമുദായത്തിലും നമ്പൂതിരി സമുദായത്തിലും ഏറക്കുറെ സാമ്യം ഉണ്ടെന്നു് കാരണത്താൽ അക്കാര്യത്തെ സംബന്ധിച്ചടത്തോളം നായർ റെഗുലേഷനിലെ ചില വകുപ്പുകൾ ചേർക്കേണ്ടിവന്നിട്ടുണ്ടു്. ചിലവിനു് വസ്തു തിരിച്ചുകൊടുക്കണമെന്നുള്ള ആദ്യ ബില്ലിലെ വ്യവസ്ഥ പ്രായോഗികം അല്ലാത്തതിനാൽ എടുത്തുകളഞ്ഞു. പിൻതുടർച്ചയെ പറ്റിയുള്ള അദ്ധ്യായത്തിൽ നിലവിലിരിക്കുന്ന നിയമങ്ങൾക്കു് വിരുദ്ധമായി ചില വകുപ്പുകൾ ഉണ്ടായിരുന്നതിനാൽ അവകൾ തമ്മിൽ ഐകരൂപ്യം വരുത്തുന്നതിനായി ചില മാറ്റങ്ങൾ വരുത്തീട്ടുണ്ടു്. പിൻതുടർച്ചയെ പറ്റിയുണ്ടായിട്ടുള്ള വിധിപ്രകാരം സഹോദരി സഹോദരനു് മക്കൾക്കാണു് അവകാശമെങ്കിലും ഇന്നത്തെ നടപടികളേയും സമുദായാംഗങ്ങളുടെ അഭിപ്രായഗതികളേയും അടിസ്ഥാനമാക്കിയാണു് പകുതി കുടുംബത്തിലേക്കായിരിക്കേണമെന്നു് കമ്മിറ്റിക്കാർ അഭിപ്രായപ്പെട്ടിട്ടുള്ളതു്. ഇപ്രകാരം ഭേദഗതികൾ ചെയ്തു് ഇപ്പോൾ ഇവിടെ ഞാൻ ഹാജരാക്കുന്ന ബിൽ എന്റെ സമുദായം സ്വീകരിക്കുമെന്നാണു ഞാൻ വിശ്വസിക്കുന്നതു്. അതുകൊണ്ടു് "സിലക്ട് കമ്മറ്റി ഭേദപ്പെടുത്തിയപ്രകാരമുള്ള ബിൽ ഇവിടെ ആലോചനക്കേടുക്കണമെന്നു് ഞാൻ അഭിപ്രായപ്പെടുന്നു".

ഡാക്ടർ എ. ആർ. മേനോൻ.— ഞാൻ ഈ അഭിപ്രായത്തെ അനുകൂലിക്കുന്നു.

President.—Mr. T. A. Ramachandra Ayyar has given notice of a motion under Standing Order No. 37 (2). The motion is as follows :—

" The Council recommits the 'Nambudiri Kudumba Bill' to a committee consisting of the mover and seconder of the Bill, two members to be nominated by the Government from among the Karanavans of Nambduiri families under the proviso to clause 4 (4) of the Legislative Council Regulation, two members of the Government, and two non-official Hindu Members of the Council."

Mr. T.A Ramachandra Ayyar.—Sir, on a piece of information. May I know whether the Bill has been given the necessary sanction under section 12 (b) of the Legislative Council Regulation. Section 12 (b) lays down that a Bill affecting the religious rites, etc., of a particular community shall have the previous sanction of the Diwan. I do not know whether that sanction has been obtained.

LIBRARY ARCHIVES Kerala Legislative Assembly

പ്രസിഡെണ്ടു.—ഈ ബിൽ ഹാജരാക്കുവാൻ ഗവമ്മേണ്ടിൽ നിന്നും മുൻകൂട്ടി അനുവാദം വാങ്ങീട്ടുണ്ടൊ?

മിസ്റ്റർ കെ. ശങ്കരൻ നമ്പൂതിരി.—ഈ ബിൽ ഗസറിൽ പരസ്യം ചെയ്യേണമെന്നേ ഞാൻ അപേക്ഷിച്ചിട്ടുള്ളു. അതനുസരിച്ചു പരസ്യം ചെയ്യുവാൻ ദിവാൻജി അവർകൾ ആജ്ഞാപിച്ചിട്ടുമുണ്ടു്. നിയമസഭാ റെഗുലേഷൻ ഫാ-ാം വകുപ്പുപ്രകാരം മുൻകൂട്ടി അനുവാദം വാങ്ങുവാനുള്ള യാതൊരു സംഗതിയും ഈ ബില്ലിൽ ഇല്ല. നമ്മുടെ പ്രജാസമൂഹത്തിൽപെട്ട ഏതെങ്കിലും വർഗ്ഗത്തിന്റെ മതത്തേയാകട്ടെ മതസംബന്ധമായ ക്രിയകളേയാകട്ടെ ആചാരങ്ങളേയാകട്ടെ ബാധിക്കുന്ന സംഗതിയാണെങ്കിൽ മാത്രമെ ദിവാന്റെ അനുവാദം വേണമെന്നു് റെഗുലേഷൻ ഫാ-ാം വകുപ്പിൽ (ബി) ഭാഗംകൊണ്ടു് പറയുന്നുള്ളു.

പ്രസിഡെണ്ടു്.—അനുവാദം വേണമോ വേണ്ടയൊ എന്നെങ്കിലും ദിവാനോടു ചോദിച്ചിട്ടുണ്ടൊ?

മിസ്റ്റർ കെ. ശങ്കരൻ നമ്പൂതിരി.—ഇല്ല.

Mr. K. T. Mathew.—In this case, no sanction has to be obtained.

Mr. T. A. Ramachandra Ayyar.—Section 12 (b) lays down that any Bill affecting the religion or the religious rites and usages of any class of His Highness' subjects shall obtain the previous sanction of the Diwan.

Mr. K. T. Mathew.—Rule 30 (3) lays down that such question shall be referred to the Diwan, and his decision on the question shall be final.

Mr. A. B. Salem.—All that does not arise here. The Hon'ble Member was present here, when the Bill was moved, introduced and referred to the Select Committee. Since no such objection was taken before, he shall not be allowed to come with that at this stage, unless there is a glaring, palpable mistake committed. Further, no religion or religious rites affected by this Bill.

Mr. N. Padmanabha Menon.—This question does not arise under Standing Order 37 (2). "If the Member in charge moves that the Bill be taken into consideration, any Member may move as an amendment that the Bill be recommitted." So, his objection is out of order.

Mr. T. A. Ramachandra Ayyar.—Sir, I rise to a point of order.

President.—He has moved an amendment to the Bill that it may be recommitted.

Mr. N. Padmanabha Menon.—The amendment is on the ground that there was no sanction obtained under section 12 (b), which is not proper.

President.—We may not be quite right in saying that the amendment is based on the ground that it was not brought

LIBRARY ARCHIVES Kerala Legislative Assembly

at an early stage, and all that. Let us see whether there is any substance in the merits, and then, shall come to the conclusion whether this is in order or out of order.

പ്രസിഡെണ്ട്.—ഈ കാര്യത്തെ സംബന്ധിച്ചുള്ള നടപടികൾ ഇംഗ്ലീഷിലാകാമോ, മലയാളത്തിൽതന്നെ വേണോ?

മിസ്റ്റർ കെ. ശങ്കരൻ നമ്പൂതിരി.—മലയാളത്തിൽതന്നെ ആയിരുന്നാൽ എനിക്ക് വിശദമായി മനസ്സിലാക്കാനും മറുപടി വേണ്ടുന്നകാര്യങ്ങൾക്ക് എളുപ്പത്തിൽ മറുപടി കൊടുക്കാനും സാധിക്കും. അതിനാൽ കഴിയുന്നവരെല്ലാം മലയാളത്തിൽ സംസാരിച്ചാൽ കൊള്ളാമെന്ന് എനിക്ക് ആഗ്രഹമുണ്ട്.

പ്രസിഡെണ്ട്.—മിസ്റ്റർ ശങ്കരൻ നമ്പൂതിരിക്ക് എല്ലുവാരും മലയാളത്തിൽ സംസാരിച്ചാൽ കൊള്ളാമെന്നുള്ളതുകൊണ്ട് മിസ്റ്റർ രാമചന്ദ്രയ്ക്ക് മലയാളത്തിലാകാമെങ്കിൽ സംസാരിക്കാം.

Mr. C. A. Ouseph.—On a point of order. Section 12 lays down that it shall not be lawful for any Member to introduce without previous sanction any measure affecting religion, etc. This objection must come in at the introduction stage. This is the consideration of the Bill itself.

President.—Suppose, Mr. Ouseph, it is a matter requiring the sanction of the Diwan. Assume for argument's sake, this requires Diwan's sanction, and at the time of the introduction it was not noticed, and the introduction was allowed, and the Bill was read in Council, without noticing this objection.

Mr. K. T. Mathew.—This question should be decided by the President, whether Diwan's sanction should be obtained or not. Therefore, it is the President who is to say that this requires Diwan's sanction.

President.—The President can say whether this requires Diwan's sanction. So the President, on that ground, can stop the discussion on this point of order. Should he not satisfy himself, before he does so?

Mr. K. T. Mathew.—The President is to say whether the Diwan's sanction is necessary or not. If sanction is necessary, then, the Diwan can say "yes" or "no". But the President's decision in this matter is the point under discussion. The President is to say that the Bill is in order now.

President.— Suppose a measure has been introduced without the previous sanction of the Diwan, and the measure should really be supported by Diwan's sanction.

Mr. C. A. Ouseph.—I refuse to believe in such hypothetical cases.

President.—The President may go wrong.

Mr. K. T. Mathew.—If there is any difference from the opinion of the President, then we have the decision of the Diwan,

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. N. Padmanabha Menon.— Rule 29:—The Diwan may order the publication of any Bill (together with the statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again. This is a Bill, the publication of which has been ordered by the Diwan. It can be presumed, therefore, that this Bill does not require the sanction contemplated by the section.

President.—Whether this is a matter to which sanction has to be given can be determined only, if the Diwan has applied his mind to the necessity of sanction under section 12. But it is not right to say that, since the Bill has been published, the question cannot be considered at all.

Mr. N. Padmanabha Menon.— When he ordered the publication of the Bill, it is presumed that sanction is not necessary.

President.—Whatever may be the position, we have to see whether the Bill affects the religion or the religious usages of a particular community.

Mr. A. B. Salem.—Should we not presume that the President has applied his mind to see whether the Bill is within the purview of the Council? I may send in a Bill affecting the ruling family of Cochin, and the President must apply his mind, when he gets the Bill, to see whether that comes within the objectionable clause, and then, it is for you to rule then and there that it affects section 11 (a) and say that it cannot come into the House.

President.—But, supposing that he has not so applied his mind—which ought to have been done, and which he incidentally omitted to do—is it for him to come to this House at a later stage and to move to set this matter right? Whether the President can do it only at his own initiative, and whether he cannot act at the instance of other persons outside are points to be considered.

Mr. A. B. Salem.—The point cannot be raised inside the House by any Member, because it will be questioning the ruling of the President.

President.—Will you not allow me to get information from Mr. T. A. Ramachandra Ayyar? Supposing he is not able to satisfy me that this Bill does not affect the religion or the religious usages, then these remarks are outside the point.

LIBRARY ARCHIVES Kerala Legislative Assembly

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—സർ, ഒന്നാമതായി എനിക്ക് പറയാനുള്ളത് സെലക്ട് കമ്മിറ്റിയുടെ രൂപീകരണത്തെ പറ്റിയാണ്. അതിലെ അംഗങ്ങളായ ബിൽ കൊണ്ടുവന്ന നമ്പൂതിരിയും, പിന്താങ്ങിയ നമ്പൂതിരിയും ജന്മിമെമ്പർ നമ്പൂതിരിമാർ തിരഞ്ഞെടുത്ത സഭാംഗങ്ങൾ അല്ല. നിയോജകമണ്ഡലങ്ങളിൽ നിന്നും പൊതുജനങ്ങളാൽ തിരഞ്ഞെടുക്കപ്പെട്ടവരാണ്. അതുകൊണ്ട് അവർ നമ്പൂതിരി സമുദായപ്രാതിനിധ്യം വഹിക്കുന്നവരല്ലെന്ന് സ്പഷ്ടമാകുന്നു. പൊതുജനപ്രാതിനിധ്യം വഹിക്കുന്നവരാണ് അവർ. നമ്പൂതിരി സമുദായം വളരെ പൂർവ്വീകമായതും അവരുടെ ആചാരങ്ങളെല്ലാം തന്നെ ഒരു പ്രത്യേക രീതിയിലുള്ളതും ആകയാൽ അതിനെപ്പറ്റി അറിയണമെങ്കിൽ ഹിന്തുക്കൾക്കും നമ്പൂതിരിമാരുമായി അധികം സമ്പർക്കമുള്ളവർക്കും അല്ലാതെ ഒരു ജൂതനൊ, ഒരു ക്രിസ്ത്യാനിയെങ്കിലും ഈ വക സംഗതികൾ ശരിയായ രൂപത്തിൽ മനസ്സിലാക്കാൻ സാധിക്കുകയില്ല. മാത്രമല്ലാ, യോഗക്ഷേമ സഭയിൽ തന്നെ ബിൽ കൊണ്ടുവന്ന കാര്യത്തിൽ വിരോധമുള്ള നമ്പൂതിരിമാർ അനവധി ഉണ്ട്. അവരിൽ നിന്നും ഒന്ന രണ്ടു പേരെ ഗവർമ്മേണ്ടു് ഇക്കാര്യത്തിനായി തിരഞ്ഞെടുക്കാതിരുന്നതു് ശരിയായിട്ടില്ല. തെറ്റായി പോയിട്ടുണ്ട്. അതുകൊണ്ട് അവരുടെ അഭിപ്രായം അറിയാൻ കഴിഞ്ഞിട്ടില്ല. കമ്മിറ്റിക്കാർ തന്നെ യോഗം കൂടിയപ്പോൾ ആ വിരോധകക്ഷികളിൽ അധികം പേരെ വിസ്തരിയ്ക്കയുണ്ടായില്ല. അനുകൂലപക്ഷക്കാരെ മാത്രമെ വിസ്തരിച്ചിട്ടുള്ളൂ. എന്നൊക്കെ ആവലാതി പല തരത്തിലും ഉണ്ട്. എന്റെ നിയോജകമണ്ഡലം ധാരാളം നമ്പൂതിരിമാരുള്ള ഒന്നാണ്. അവരിൽ മിക്കപേരും ഈ ബില്ലിനു് വിരോധികളാകുന്നു. അതുകൊണ്ടാണു ഞാൻ ഇവിടെ ഇതൊക്കെ പറയുന്നതു്. ഇതൊന്നും എന്റെ സ്വന്തമായുള്ള അഭിപ്രായം അല്ല. അവർ പറയുന്നതു് "അവരുടെ അഭിപ്രായമെന്തും കമ്മിറ്റിക്കാർ അറിഞ്ഞിട്ടില്ലെന്നും അറിയാൻ ശ്രമിച്ചിട്ടില്ലെന്നും സെലക്ട് കമ്മിറ്റിക്കാർ അതിലുള്ള നമ്പൂതിരിമാരുടെ ഭോഗം മാത്രം സംസാരിക്കുന്ന ചിലരെ മാത്രമെ വിസ്തരിച്ചു തെളിവു് എടുത്തിട്ടുള്ളൂ എന്നും" ആണ്. ആ സ്ഥിതിക്ക് കമ്മിറ്റിക്കാരുടെ തീർപ്പു് വളരെ ശരിയായ ഒരു തീർപ്പാണെന്ന് സമ്മതിക്കാൻ തരമില്ല.

ഈ കമ്മിറ്റിയിൽ ഒരു ലേഡിമെമ്പർ കൂടെ ഉണ്ട്. ആ സ്ഥിതിക്ക് അന്തർജ്ജനങ്ങളുടെ അഭിപ്രായങ്ങൾ കൂടെ അറിയാൻ വളരെ സൌകര്യമുണ്ടായിരുന്നു. അവരുടെ തെളിവു് എടുത്തിട്ടുണ്ടോ എന്ന് എനിക്കു ധൈര്യമായി പറഞ്ഞുകൂടാ. അങ്ങിനെ ഉണ്ടായിട്ടില്ലെന്നാണ് അറിവു്.

മിസ്റ്റർ വി. കെ. കൊച്ചുണ്ണിമേനോൻ.—ലേഡിമെമ്പർ യോഗസ്ഥലങ്ങളിലെ പ്രധാനപ്പെട്ട ഇല്ലങ്ങളിൽ ചെന്ന് സമയം അനുവദിച്ചിടത്തോളം അന്തർജ്ജനങ്ങളുടെ തെളിവെടുത്തിട്ടുണ്ട്.

LIBRARY ARCHIVES Kerala Legislative Assembly

The Lady Member has obtained information from the Nambudiri ladies.

President.—Statements of Nambudiri women are on record, and it is in the Select Committee's Report.

Mr. V. K. Kochunni Menon.—They were sent up to the Council. The papers are on the file.

President.—It is a big file. To-morrow we will take it up.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ഇനി ഒരു ആക്ഷേപം കൂടി പറയാനുണ്ട്. തിരുവിതാംകൂറിലും ബ്രിട്ടീഷ് മലബാറിലും അധിവസിക്കുന്ന നമ്പൂതിരിമാരേക്കൂടി നിയമത്താൽ ബാധിക്കുന്ന ഒരു ബില്ലാണിതു്. അതിനാൽ അവരോടും നല്ലവണ്ണം ഇതിനേപ്പറ്റി ആലോചിക്കേണ്ടിയിരുന്നു. എന്നാൽ അവരിൽ വളരെ ആളുകളിൽനിന്ന് തെളിവു ശേഖരിച്ചിട്ടുണ്ടോ എന്നും സംശയമാണ്. അതിനാൽ അവരുടെ അഭിപ്രായം അറിയാൻ കുറെകാലംകൂടി വേണ്ടിയിരിക്കുന്നു.

കൂടാതെ ഇതിന് നമ്പൂതിരി കുഡുംബ ബില്ലെന്നാണ് പറയുന്നതു്. എന്നാൽ ഇപ്പോൾവന്ന അവസാനിച്ചിരിക്കുന്നതു് നായർ കുഡുംബ റെഗുലേഷനായിട്ടാണ്. (ചിരി). അതെങ്ങിനെയെന്നാൽ ഒരാൾ ഗണപതിയുടെരൂപം ഉണ്ടാക്കി ഉണ്ടാക്കി വന്നപ്പോൾ അതു മുത്തൻ കുരങ്ങൻ ആയിപ്പോയി. അതുപോലെയാണ് (ചിരി).

Mr. T. K. Krishna Menon.—I hope the analogy is only illustrative.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ഇപ്പോൾ രൂപീകരിച്ചിരിക്കുന്ന നമ്പൂതിരി കുഡുംബ ബില്ലിനേയും അതിന്മേൽ കമ്മിറ്റിക്കാർക്ക് ക്ലട്ടായും വെവ്വേറേയുമുള്ള അഭിപ്രായങ്ങളേയും കുറിച്ചു കുറേക്കൂടി ഗൌരവമായും വിശാലമായും ചിന്തിക്കേണ്ടതു് അത്യാവശ്യമായിരിക്കയാലും കേരളത്തിലെ അനിതരസാധാരണവും സംരക്ഷണീയവുമായ പ്രത്യേകതയെ (Individuality) തീരെ നശിപ്പിക്കാതെ അതിന്റെ ജീവനായ ധർമ്മാചാര നിഷ്ഠയെ പരിപാലിക്കുന്നതിന് നമ്പൂതിരിബ്രാഹ്മണരുടെ ധനശക്തിയേയും കുഡുംബജീവിതത്തേയും വിവാഹസമ്പ്രദായത്തേയും ഇളക്കി മാറ്റിക്കാതേയും അവരുടെ ഇടയിൽ സമ്പ്രദായ വിരുദ്ധങ്ങളായ നടപടികളെ ബലമായി നടപ്പിൽ വരുത്താതേയും അവരിൽ ഐക്യത്തെ സ്ഥാപിക്കേണ്ടതു് അത്യാവശ്യമാകയാലും, പ്രസ്തുത ബിൽ ഈവക പ്രധാന സംഗതികളിൽ യാതൊന്നും നേരിട്ട പ്രവൃത്തിക്കുന്നില്ലെങ്കിലും നായർ റെഗുലേഷനിലെ മിക്ക വകുപ്പുകളേയും അങ്ങനെതന്നെ പകർത്തിയിരിക്കുന്ന ബിൽ മറ്റൊരു തരത്തിൽ നമ്പൂതിരി സമുദായത്തിന് ദോഷം ചെയ്യാൻ കഴിയുമെന്നു വാസ്തവം നിസ്സംശയമായതിനാലും സർവ്വോപരി കായ്യസാരജ്ഞനും നിഷ്പക്ഷപാതിയും കേരളീയ ബ്രാഹ്മണരെ കുറിച്ചു് ഒരഭിപ്രായം പറവാൻ പലതുകൊണ്ടും അർഹതികഞ്ഞ ദേഹവും ആയ ഓണറബിൾ റാവ സാഹീബു് കസ്തൂരിരങ്കയ്യർ അവർകൾ അദ്ദേഹത്തിന്റെ വാത്സല്യകുറിപ്പിൽ നിർദ്ദേശിച്ചിരിക്കുന്നതുംകായ്യക്ഷമവും അവസരോചിതവുമായ കമ്മിറ്റി ഏറ്റുപറഞ്ഞതിനേപ്പറ്റി ചിന്തിക്കേണ്ടതും

LIBRARY ARCHIVES Kerala Legislative Assembly

സാധിക്കേണ്ടതും നമ്മുടെ മാത്രമല്ലാ മൂന്നു സംസ്ഥാനത്തിലും ഉള്ള നമ്പൂതിരി ബ്രാഹ്മണരുടേയും മറ്റു കേരളീയരുടേയും ഒരു പ്രധാന ചുമതലയായതുകൊണ്ടും അതിലേക്കായി അവർക്ക് സമയവും സന്ദർഭവും നൽകേണ്ടതു് അത്യാവശ്യമാകയാലും മറ്റു പലേ കാരണങ്ങളാലും പ്രസ്തുത ബില്ലിനെ സംബന്ധിക്കുന്ന എല്ലാ നടവടികളും വാഗ്വാദങ്ങളും തല്ക്കാലം നിറുത്തിവെക്കേണ്ടതുമാകുന്നു.

Mr. K. S. Rama Ayyar.—Sir, I too am for moving for the recommittal of the Bill to the Select Committee for quite different reasons.

Mr. M. Krishna Menon.—The Member will be pleased to speak in Malayalam.

Mr. K. S. Rama Ayyar.—I don't know to speak in Malayalam.

President.—Is your motion also under the S. O. No. 37(2)?

Mr. K. S. Rama Ayyar.—Yes, Sir. I do not know whether a Member would be right in moving that the Bill should be recommitted to a different Select Committee.

President.—He wants to refer the matter again to a Select Committee consisting of 6 Members, of which 2 should be nominated, 2 members of the Government and 2 non-official Hindu Members of the Council. He wants the Bill to be recommitted to such a body.

Mr. K. S. Rama Ayyar.—I do not know whether that can be allowed, and whether there is any provision in the Regulation allowing the same. I am for a recommittal to the same Select Committee.

President.—Re-committal should be to the same Committee.

Mr. K. S. Rama Ayyar.—Yes, Sir. Under S. O. No. 37, I beg to move that the Bill be re-committed to the Select Committee for the following reasons :—

The Bill affects the rights and privileges of the women of the Nambudiri community, and the Select Committee does not seem to have consulted their wishes and their feelings sufficiently well. At least, the result of the enquiry as manifested in the Bill as amended by the Select Committee does not show that this was done, or done as it ought to have been. Apart from the unkindness and utter disregard shown, I have to point out that it is highly improper and quite illegal for us, men, to be making laws like this—legislating for women without consulting their wishes and their feelings.

The *anthar janams* are an unfortunate lot of people. In the Report itself, the Committee admit "that the members of the Nambudiri community do not care to take females of their own

LIBRARY ARCHIVES Kerala Legislative Assembly

community as their wives". I don't know whether anything can be more atrocious. Where are the Nambudiri women to go, if the Nambudiries do not want them? If the Nambudiries don't want them, let them give them the freedom to shift for themselves as they like best. This the Nambudiries would not allow. On the other hand, the restrictions they have placed on the women are so many and so rigorous, and they have to take the risk of being branded as prostitutes and being outcasted for the slightest violations of their rules of slavery. The Member for Land-holders bewails the fate of these creatures in these words.—

"The present deplorable condition of the Nambudiri community is the inevitable outcome of those unique laws of inheritance and marriage enjoined upon the community, and which have prevailed in it from the earliest times. We have seen that, with a view to secure the family properties intact, the eldest son alone marries in the community to perpetuate the family. The effect of such a system, especially on the womanhood of the community, has been disastrous. Even the provision of an admitted system of polygamy has not enabled the community to dispose of its surplus maidens. Think of the lot of these unfortunate *antharjanams*—beset with unnumerable restrictions and sinking through utter want of cheering light in the comfortless vaults of single-blessedness. This feature alone constitutes an outrage on the laws of humanity and the laws of Nature".

If the *antharjanams* now ask the Member, who has sung so much about their condition, "Well, Sir, how have you translated your sympathy", what has he to say in reply? The only answer that he can give is to point to section 18 of the Bill or perhaps to section 17 also. Even the Nambudiri members of the Committee, the promoters of this measure, after having moved heaven and earth to bring a Bill of the sort into being, have not extended their sympathies, as they ought to have done, to the suffering women of their community. Section 18 of the Bill, as amended by the Select Committee, or the prescription of the further amendment, as proposed by the Nambudiri members in their joint separate note, is certainly not the cure for the disease. This section, as the Member for Land-holders puts it, serves to encourage marriage outside the community more than anything else. I am sure that this section or even the further amendment proposed by the Nambudiri members will not help to discourage marriage outside the community; and this was proclaimed to be one of the objects of the Bill, when they started with it.

The Member for Land-holders says :—

LIBRARY ARCHIVES Kerala Legislative Assembly

"If there is the slightest sympathy for the deplorable condition of the Nambudiri women ..... justice and fairness require that at least the consideration shown to those who marry outside the community should be extended to those who marry in the Nambudiri community."

If what the Nambudiri community wants is a betterment of the condition of their women, for the attainment of this object, these half-hearted prescriptions will not do. Nambudiri meetings for the past several years have been passing resolutions to the effect that marriage of Nambudiries outside the community should be stopped, that steps should be taken to see that all the members of the community are encouraged to marry, and that within the community itself, that polygamy should be checked, and so on, and so on. These resolutions passed at hundreds of representative meetings held at several places and during the course of several years should be accepted as the view of the members of the community, and may I ask the promoters of the Bill whether it was not these expressions of the considered opinions of those who had the welfare of the community at heart that prompted them to come up with this piece of legislation? If that is so, I must tell them that they have not discharged their mission well enough. I have nothing to say against the provisions in the Bill for the management of the properties. I plead only the cause of the women of the community. Just hear, Sir, what an *antharjanam* says:

"അനേക ഭാര്യാസ്വീകാരത്തെ തടയാതേകണ്ടുള്ള റെഗുലേഷൻ നാശത്തെ നല്ലാതെ സമുദായത്തിന്റെ നന്മയ്ക്ക് ഒരിക്കലും ഉപയുക്തമാകയില്ല. ചിലവിന് കിട്ടുവാൻ എല്ലാവർക്കും അവകാശം ഉണ്ടെന്ന് പറയുന്നത് കേവലം ചിറിയിൽ മധുരം തേച്ച് കുട്ടികളെ സന്തോഷപെടുത്തുന്നതുപോലെ കരുതേണ്ടതേയുള്ളൂ. ഇതുകൊണ്ടൊന്നും "മറ്റുള്ളവർക്ക്, തൃപ്തിയാവട്ടെ, ജീവിത ക്ലേശങ്ങൾക്ക് ഒരു ഉപശാന്തിയാവട്ടെ, തെല്ലുപോലും ഉണ്ടാകയില്ല. സംബന്ധ വലയിൽ തലയിടുവാൻ ധനസംബന്ധമായ ബുദ്ധിമുട്ട് വല്ലവരേയും തടസ്ഥപെടുത്തുന്നുണ്ടെങ്കിൽ അവർക്ക് കുരങ്ങന് ഏണി എന്നപോലെ ഒരു സഹായം മാത്രമാണ് "ചിലവിന് കൊടുക്കൽ" എടുപ്പാടുകൊണ്ട് ഉണ്ടായിത്തീരുക. ഈ കാര്യത്തിൽ ശങ്കരൻനമ്പൂതിരി അവർകൾക്ക് അനുകൂലബുദ്ധിയാണുള്ളതെന്ന് വിശ്വസിക്കാമോ? സംബന്ധ ഉർഭ്രതത്തിന്റെ ജാരാഗ്നിക്കിരയായി ഒട്ടു മുക്കാലും നശിച്ച ശേഷം അല്പാല്പം അങ്ങുമിങ്ങുമായി കിടപ്പുള്ള സ്വത്തിനേക്കൂടി നിരത്തിവെച്ച് മേപ്പടി ഉർഭ്രതത്തിന പ്രാണാഹുതി ചെയ്യുവാൻ തുനിയുന്നത് കഷ്ടാൽകഷ്ടതരമാണ്.

"ബഹുഭാര്യാസ്വീകരത്തെ തടയുക; സ്വജാതീയവിവാഹം സുപ്പ്സാധ്യമാക്കുക; സന്തതിയും സമ്പത്തും അന്യസമുദായങ്ങളിൽ

LIBRARY ARCHIVES Kerala Legislative Assembly

ചെന്ന് ലയിക്കുന്നതിനെ കഴിയുന്നതും തടയുക; ഇങ്ങനെ മൂന്ന മൂല തത്വങ്ങളെ അടിസ്ഥാനമാക്കി ഒരു റെഗുലേഷൻ ഉണ്ടാക്കുന്ന പക്ഷം അത് സമുദായത്തിന്റെ ശോഭനമായ ഒരു ഭാവിയായിത്തീരും. സമുദായം പൂർവ്വവൽ പുഷ്ടിപ്പെടുവാനും ഈ വഴിയിൽ കൂടി സഞ്ചരിക്കണം. ഇതൊന്നും ചിന്തിക്കാതെ—മുപ്പതും നാല്പതും തികഞ്ഞു പിന്നെയും അവിവാഹികളായി കഴിച്ചുകൂട്ടുന്ന കന്യകാജനത്തിന്റെ വാസനാതിരേകത്തെ ഓർക്കാതെ—രണ്ടും മൂന്നും സജാതീയ ഭാര്യമാർ അകം പുകഞ്ഞു (പുറവും അങ്ങനെ തന്നെ) അടുക്കളമുക്കിൽ ഇരിക്കുമ്പോൾ അവരുടെ ചാരിത്രശുദ്ധിയെ ചിന്തിക്കാതെ വിളക്കും കൊളുത്തി പുറത്തു "ഗമിക്കുന്ന". ഗൃഹസ്ഥന്മാരുടെ ഉർമാറ്റത്തിൽ ഒരു കല്ലുപോലും ഇട്ടുവാൻ ശ്രമിക്കാതെ—ഒരു നിയമനിർമ്മിതിക്ക് ഒരുങ്ങുന്നതു വല്ലതായ ഒരു സാഹസമാണേ! ഇതിനെ മറ്റു സമുദായക്കാരെങ്കിലും തടയേണ്ടതാണെ!"

What more do you want to hear ?

Dr. A. G. Menon.—Is it an authoritative publication?

Mr. K. S. Rama Ayyar.—It is an article published in the *Yogakshemam* paper.

Dr. A. G. Menon.—A man may write, and put the name of a woman.

Dr. A. R. Menon.—Are we discussing the general principles of the Bill or only its amendments?

President.—We are now considering whether the Bill can be taken up for consideration. There is a motion for re-committal.

Mr. K. S. Rama Ayyar.— As the Bill stands now, there is no cure for the disease of the Nambudiri men running after women of other communities, and there is no provision to safeguard the interests of the suffering womenfolk of the Nambudiri community. The Nambudiri women cannot allow it. They will not allow it. These poor women are now kept in lock-ups in the comfortless vaults or the *illams*; they cannot come out and enjoy even God's earth and the sun's light; they are kept tied hand and foot. The Pulayas and the Pariahs are not the depressed classes of the State. The really depressed people are the *Antharjanams* of the Nambudiri households. They are kept in abject slavery. In the matter of marriage, they are treated as no better than cattle. What takes place is not marriage but "a disposal of the maidens," as the Member for Landholders puts it. They are sometimes given away, quite without their consent, to men of 70 or 80 years, and it is said that it has been brought to the notice of the Select Committee that in one instance a man of 98 married a girl of 21. Was it because that this old crone wanted a wife that this marriage took place? No. Was it because the girl of 21 wanted a husband that this

LIBRARY ARCHIVES Kerala Legislative Assembly

marriage took place? No. What kind of bliss is there in such marriages, earthly bliss or heavenly bliss or what? It is not said whether, when this girl of 21 went into the house of the bridegroom for the honeymoon, whether she found half a dozen or one dozen women occupying the corners of her husband's *illam* and claiming to be the Nambudiri *Achan's* wives who came in there before the present bride. Then, in this community there is the unavoidable necessity of keeping girls unmarried to an abnormally old age or, as it sometimes happens, until they grow old and die. Leaflets and pamphlets before and after the Bill was introduced proclaimed that these practices should be stopped, and as the only way to stop them was to force the *Antharjanams* to marry in their own community, it was thought that the Bill would provide for it, and the poor *Antharjanams* heaved a sigh of relief. But the disappointment has become unbearable, and be it understood that the *Antharjanams* cry out from inside the bars of their cells that, unless the Bill provides for these, and does it effectively, the Bill must go to the wall. The *Antharjanams*, Sir, cannot go to you, nor can you go to them. But the cry is there, the cry of the women-slaves of the so-called landed aristocracy of the State. Emancipate them or treat them well. I know that it is not in our power to dictate to a Nambudiri where he should marry and which woman he should marry or even that he should marry in his own community. If we cannot prevent a Nambudiri from marrying outside his own community, let us at least discourage this tendency by all possible means. Let us not, when we make a law to improve the condition of the society, provide facilities for this tendency which has been going against the interests of the poor women of their own community, and which has been condemned outright in the press and on the platform by all those who are interested in the welfare of the Nambudiri community. In the interests of the community, and particularly in the interests of the women of the community—who are, it must be noted, unrepresented in this matter—when one makes up his mind to go out of the fold and marry outside his community, he must be told that he must be prepared to shift for himself and not hang on the family property for his maintenance, much less for the maintenance of his alien wife and children. The right to separate maintenance should be restricted to Nambudiries marrying within the community, and should not be allowed to those who go out of the way and seek for wives in other communities. This is the latest provision that the *Antharjanams* ask for, if nothing more than this is possible. This provision, if made, it is hoped may turn the atten-

LIBRARY ARCHIVES Kerala Legislative Assembly

tion of the Nambudiries to the women of their own community, and may, in the long run, prove a remedy for some of the evils now existing within the community, so far as the women of the community are concerned. It may pave the way for the young and helpless *Antharjanams* to get proper husbands, and it is hoped that the necessity for remaining unmarried, until they are disposed of as now, may grow less; it is hoped that the necessity for getting themselves tied to men who have reached their nineties may grow less; it is also hoped that the necessity for going out as the fourth or the fifth wife of people who marry for the sake of the *Stridhanam* may grow less. So much for section 18 of the Bill.

Then, Sir, there is section 17 which is certainly an undesirable provision on all counts with all the pretensions that it may lay claim to. This section lays down that "if the *karnavan* or the manager neglects to give a girl in marriage, after she completes her sixteenth year, any other member of the *illam* may give her in marriage, and recover the expenses thereof from the *illam*. The amounts so recoverable shall not exceed the individual share of the girl in the *illam* properties, if there were partition in the family, or Rs. 10,000, whichever is less." Is the Select Committee going to make us believe that by this section they have made enough provision for the marriage of the women of the community? I can boldly assert that this provision cannot do any good; not only that, there is the prospect of much trouble and much unpleasant litigation. First of all, this is no provision for the marriage of the women. A woman cannot be married, unless there is a man ready to receive her. Whether the *karnavan* wants to do it or whether the *anandiravan* wants to do it, to whom can they give the girl? Where is the man for it? The difficulty in the matter of finding out a suitable husband will, and must, remain as before, as long as there is no check on the Nambudiri men going to the other communities in search of wives for them. The Bill as amended by the Committee not only does not provide for any check against this mania, but provides for maintenance allowance to people who marry outside the community from the *tarawad* property—an innovation in the Nambudiri community, which may, instead of removing an existing evil, help to increase it. Supposing, Sir, a *karnavan* delays the marriage of a girl—it may be his own daughter—until she completes her sixteenth year for want of a proper bridegroom or for any other reason, at such a juncture, an irresponsible *anandiravan* can rush in, snatch away the girl, and dispose her of to a ninety year old Nambudiri or to any undesirable Nambudiri. In such a case, the *anandiravan* will

LIBRARY ARCHIVES Kerala Legislative Assembly

have done the right thing in the eyes of the law, as the *anandiravan* is invested with this summary power of disposal, according to section 17 of the Bill. The whole thing may be repugnant to the feelings of the *karnavan* or perhaps to all the other members of the family or the whole community. But not one can raise a finger against the *anandiravan*. They can only look on and blink. It may be repugnant to the girl herself. In the matter of the marriage, the girl has no voice; more so because at 16 years the girl is only a minor, and the *anandiravan* can defend himself by saying that he was acting in good faith in exercise of the summary powers vested in him by the Kudumba Regulation. There are several points to be considered in connection with this section, the good that it is expected to do and the probable evils. In my humble opinion, I now think that it will do no good, and on the other hand, will be the cause of much trouble.

A word about section 26 which regulates the disposal of the *Stridhanam*. The Bill provides that the *Stridhanam* obtainable on marriage shall form part of the *illam* property, and be placed at the disposal of the *karnavan*. When people marry for money, if they are by law forced to part with their interest in the money, as soon as the marriage is over, what is it that is left? Something that is not loved, something that is not wanted. And that is the poor *Antharjanam*. It sounds quite strange that the landed aristocracy should be seeking the help of legislation to make capital out of marriage presents. After this provision, what is the fun of inserting the two sections, 24 and 25, to regulate how the self-acquired and separate property of (1) a married female (2) an unmarried female should devolve? Can the Committee point out at least one way in which these caged birds of Nambudiri women can have self-acquired property, whether they are married or unmarried?

A word about polygamy, and I am done. This admitted custom should either be stopped altogether or should be restricted so as to prevent Nambudiries marrying several wives for money.

Sir, this is more or less a social law, and as such, no amount of attention paid on it can be too much. The community consists of several factors, *karnavans*, *anandiravans*, minors, majors, men, women and children and several institutions, one of them, or the most important of them, being marriage. The interests of all those have to be consulted, considered and safeguarded. In the matter of this Bill, the women have not been consulted or have not been properly consulted, and their interests have not been safeguarded. There may be flaws and faults

LIBRARY ARCHIVES Kerala Legislative Assembly

in the other sections relating to the management of the properties. But I cannot say anything about them, as I have not had sufficient time to study them. I, therefore, move that the Bill be recommitted for further consideration.

Dr. A. G. Menon.—On a point of order, Sir. The Select Committee's Report says that it is a fresh Bill prepared by them. The question is whether they are competent to prepare a fresh Bill, and whether we can adopt that fresh Bill as Mr. Sankaran Nambudiri's Bill.

Dr. A. R. Menon.—No, we have not changed it completely. Some clauses were altered.

Dr. A. G. Menon.—But they say "the modifications that have to be made are so numerous that we have thought it better to prepare a fresh Bill". They did not say "the amended Bill".

President.—The expression may not be very happy. There is the basis of the Bill already. The Select Committee took evidence, and considered certain modifications necessary. They incorporated these modifications, and they found it difficult to put the modifications in the original provisions themselves. So they thought it would be better, if they redrafted the Bill.

Mr. C. Achyuta Menon.—We could have given the amendments by themselves. But they would be hardly intelligible to the reader.

Dr. A. G. Menon.—Whether we are competent to consider the fresh Bill without undergoing all the formalities is my question.

President.—In the last para of the Select Committee's Report, it is stated:—"the alterations in the Bill are so many that we think the amended Bill submitted by us should be republished, before it is taken into consideration by the Council".

Mr. V. K. Kochunni Menon.—That is, they have incorporated all these amendments.

Dr. A. G. Menon.—They themselves admit it is a fresh Bill.

President.—I mean to say, when we compare the original Bill with the Bill that has been submitted by the Select Committee, are there not very many points in common?

Dr. A. R. Menon.—Certain sections are retained.

President.—They have recasted certain sections in the light of the evidence taken, and that required modification of the original sections.

Mr. C. A. Ouseph.—They say "the amended Bill".

Mr. C. A. Kunjunni Raja.—S. O. 34 (8) gives power to the Select Committee to amend the original Bill. "The Select Committee shall, in their report, state whether or not, in their

LIBRARY ARCHIVES Kerala Legislative Assembly

judgment, the Bill has been so altered as to require republication." That gives power to the Select Committee to alter the Bill. It is also mentioned in S. O. 37 (1) that they have got power to make the necessary changes in the Bill.

President.—I think we are now in order in considering the Bill as it is.

Mr. C. Achyuta Menon.—I shall quote a typical instance. In Madras, the Malabar Tenancy Bill was republished as prepared by the Select Committee. The changes were shown in velvet type, and the original sections retained in ordinary types. That shows that more than two-thirds of the original Bill were altered.

Mr. A. B. Salem.—Sir, I rise to a point of order. The Hon'ble Member for Nellayi has tabled an amendment stating that a new committee should be constituted.

Pesident.—Let us first see whether these amendments have been seconded.

Mr. A. B. Salem.—I am going to the root of the matter. If the amendment is not in order, it would not be competent to ask the House to second it. He is asking for a newly constituted committee by asking the Government to nominate two members, somebody else, and so on. Such a provision is nowhere in the Rules or in the Regulation. There is no such provision at all, and how can we admit such a proposal to be seconded by the House?

Under Standing Order 37 (2), the Bill has to be recommitted to the old Select Committee. You cannot propose a fresh committee. There is no meaning in the word "recommittal", if we can say it has to be committed to a new committee.

President.—Then, I shall consider whatever you have to say in this connection.

Mr. A. B. Salem.—I submit that no proposal can be tabled to commit this Bill to a fresh committee. That will not be a recommittal. "Recommittal" means "committing back to the committee that originally considered the Bill."

And then, another most atrocious part of it is that the rules have not been understood at all. My learned friend wants two members from outside to be nominated by the Government to the Select Committee. The provision is nowhere in the Council Regulation or Rules.

Mr. K. T. Mathew.— Yes. There is.

Mr. A. B. Salem.—I understand what he means. In section 4 of the Regulation there is a proviso for the Government to nominate two Members to this Council, when it comes

LIBRARY ARCHIVES Kerala Legislative Assembly

for consideration, who have got special knowledge in the matter. That is different from asking the Government to nominate two members to the Select Committee. It cannot be done. You may ask the Government, but not at this stage. This is not a matter relating to the nomination of members. These are all absolutely irrelevant, and I submit there is no alternative but to rule them completely out of order, and to say there is no proper amendment from the Member for Nellayi on the table to be seconded. That is the point of order.

President.—Have you any reply, Mr. Ramachandra Ayyar?

Mr. T. A. Ramachandra Ayyar.—Sir, I second the amendment.

President.—Have you anything to say on Mr. Salem's remarks? Otherwise, if you have no explanation for Mr. Salem's remarks, I shall rule out the amendment.

Then, shall I take it that you second Mr. Rama Ayyar's amendment?

Mr. T. A. Ramachandra Ayyar.—Yes, Sir.

Dr. A. R. Menon.—Shall I continue the discussion on the subject?

President.—Yes.

Dr. A. R. Menon.—Mr. President, I am desirous to take part in to-day's debate, because I am responsible, both individually and collectively, for the preparation and presentation of this Bill. When we entered into this question, when we consented to join the Committee, we never realised fully the grave complications that would face us, and I assure you, not only for myself, but also on behalf of all my colleagues who took part in the Committee meetings, that we endeavoured to bring a mind free from prejudice, free from selfish motive to bear upon this vexed and complicated problem, so as to do the best we could for this ancient race. The more we studied the provisions of this Bill, the more we learned the conditions of this community, the graver became our difficulty. It is all very well for the Member for Trippunittura to sit here and talk about ideal conditions of society, to point out the grave troubles under which the Nambudiri community is suffering to-day, but I wonder whether it would be so easy for him to suggest means and methods to remove those hardships which he has enumerated so well and so eloquently. There is no use simply enumerating these things and criticising everyone, unless the man who indulges in this criticism is in a position to bring forward constructive proposals and useful suggestions for the acceptance of this

LIBRARY ARCHIVES Kerala Legislative Assembly

House. Such suggestions were not brought forward. Most probably, this is not the time for him to bring them. I can only say for myself that, if he succeeds in bringing forward any proposition for the improvement of the condition of this ancient people, whatever might have been my opinion and to whatever view I might have committed myself, I shall be only too glad and ready to change my view and support the proposals of the Member for Trippunittura. (*Hear, hear.*) Now, it is not my intention, nor my purpose to go in detail and meet all the arguments advanced by the Member, because each and every point, when taken for discussion, shall be met properly, and appropriate answer shall be given to the criticisms that any Member may offer. But I cannot help remarking that certain allegations, brought forward by the Hon'ble Member—I shall consider, out of charity of mind—are based on ignorance of actualities and real facts.

First of all, my friend on the right said that the constitution of the Committee was imperfect on the ground that it included a Jewish gentleman and a Christian gentleman. I may tell you for your information that nobody among us has taken a greater interest or greater pains to study the complicated problems involved in the discussion of this Bill, and nobody has evinced a keener interest in the study of the real state of affairs than these gentlemen themselves. What is the argument, Sir? If you want to discuss and decide a question concerning a community, all the members of that committee should belong to the same community. Nothing could be more mischievous, more inexpedient than a committee constituted on those lines. Therefore, when I read the dissenting minute of the Hon'ble the Revenue Member, I was surprised that, in spite of his knowledge and his ability, he should have indulged in such vague generalities, without realising how impossible is the proposition that he has placed before this House. It is very strange that our colleague who has attended only two sittings of the Committee meetings was able to write a dissenting minute not on facts derived from the examination of witnesses by the Committee but absolutely independent of them.

Mr. V. K. Kochunni Menon.—Not more than 10 minutes.

Dr. A. R. Menon.—It is my firm belief that he could have written such a note without listening to any of the witnesses who gave evidence before us.

Mr. A. Sankara Puduval.—A point of order, Sir. Rule 25 lays down that no Member can make a personal charge against another Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. R. Menon.—This is no personal charge. On the other hand, I have very great respect for him—more respect perhaps than yourself or any other Member may bear towards him.

Mr. A. Sankara Puduval.—He may misunderstand you.

Dr. A. R. Menon.—He won't misunderstand me or, if he does, I will settle the matter with him.

Now, Sir, to proceed. In the constitution of that Committee, if, at all, there is any defect, it is that two Nambudiri gentlemen are members of it. That is the only objection, if, at all, an objection. To my mind, the best committee would have been a committee consisting entirely of non-Nambudiries, because they would be able to take a detached view of the question. Therefore, the hue and cry that has been raised in the public press and raised by my friend on the right, that the Committee is not properly constituted, because it contained one or two elements outside the Hindufold, and, as such, should not have the right to make recommendations or to propose lines of action that this Council should undertake, is, on the face of it, an absurd proposition.

Then there is another allegation—a very grave one to my mind—an allegation which should not have been lightly made, namely, the Committee conducted a one-sided enquiry. Those of you who have taken an interest in going through the newspapers would have been able to find out that one day one paper had praised us to the skies for our intelligence, knowledge and thorough grasp of the problems affecting the Nambudiries ; the next day, the opposite party were praising us to the skies in the same glowing terms. What does it mean ? It means that, if a man comes forward saying that a change is necessary in such and such a direction, immediately we assume a critical attitude and ask questions to prove whether the change is necessary or not. In this way, we have cross-examined, one after another, all the witnesses, and I am sorry to say that such allegations are both mischievous and irresponsible.

The third point raised by the Hon'ble Member is that, this being a question of the Nambudiries who live, not only in Cochin, but also in Travancore and British Malabar, such an enquiry should be undertaken only when these three sections of the community join together, and that a committee should be appointed for the benefit of all the three sections. Now, Sir, under the same argument, the Nayar Regulation should not have been passed by this Government. You all know very well that there is no such Regulation in British Malabar nor was

LIBRARY ARCHIVES Kerala Legislative Assembly

there a Regulation in Travancore at the time when it was taken up and passed by the Cochin Government.

President.—There was a Regulation already in Travancore, and we followed that.

Mr. N. Padmanabha Menon.—We are in advance of that Regulation.

President.—No. We followed them.

Dr. A. R. Menon.—I beg your pardon.

President.—In British Malabar, they conducted investigation, but did not pass it.

Dr. A. R. Menon.—Now, let us put it in the other way. Travancore passed it without consulting us. However, that is an argument which holds no water, and it should not have been brought forward here at all. Our contention is that we are competent enough to look after ourselves, to pass such laws and Regulations that we require, irrespective of the opinion or the convenience of those who live under other Governments.

Then, the 4th point raised by the Hon'ble Member for Trippunittura in very eloquent passages is the miserable condition of the Nambudiri women. No one has more sympathy, and no one feels for them more keenly than I do, and I have written in my separate minute that everything possible, everything that the legislature could do for the amelioration of this people—short of violation of natural justice-should be done for their benefit. What more, I ask, could the legislature do for these people? Sir, you may pass laws to keep a man from committing crime, but can you change the psychology of his mind by passing a Regulation? A man, at heart, may be a thief, but physical commission of that crime would be prevented by Regulation. But law cannot change the mentality. In the same way, this Council is only responsible, so far as the vexatious restrictions that stand in the way of natural desires of these people should be removed by law. But I have never known, and I do not believe much in the efficacy of laws to alter a man's habits of thought or change his psychology or to inculcate high moral principles in him. It has never succeeded before, and I am sure it will never succeed in this world in future. May I ask, Sir, the Member who has made so eloquent a plea about their condition:—could he suggest any measure short of actual brutal violation of individual rights to improve the pitiable condition of these women? If he brings forward any such proposal, any such suggestion, I, for my part, shall extend to him, my wholehearted support and sympathy again. And I wish to see what his propositions are, what his ideas are, in the course of the discussion of this Bill to-morrow.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, another allegation was we have failed to consult the interests of the Nambudiri women. I tell you I constituted myself, however imperfectly it may be, as the champion of the Nambudiri women, and I have cross-examined most thoroughly, most mercilessly, and I am afraid even most brutally, some of those Nambudiries who came forward to bear evidence that the Nambudiri women's condition was happy, and that no change was necessary. We were cross-examining those people to such an extent that they even raised a hue and cry, and even accused us of not having shown any leniency. What more could you do, I ask? Here are ladies who follow the *purdha* system. Can we go into their room, can we see them? The only thing that we could do from the information that we gather from various sources and from the helpful suggestions of Nambudiri gentlemen about the real condition behind the frowning walls of the Nambudiri *illams* is to request the Lady Member, as far as possible, to go into this question, interview them, study their condition and find out in what way we could help them. I ask the gentleman what more could he do? I hope he will be able to tell us how we have failed in our duty, when he gets occasion tomorrow.

There is one more point he has brought forward. As you know, I have made only one reservation, and that is against the violation of natural justice in my desire to encourage marriage of members from their own community. I was not willing, nor the Committee willing, to take this grave responsibility of depriving a man of his right to his ancestral property on the ground of his non-marriage or marriage in another community. We thought this was too serious and too grave a problem for us to tackle with, and we have resolved to place the whole matter before the Council, and, if the Council, by its united and collective wisdom, comes to the conclusion that even the violation of natural justice is justified as it would contribute to the happiness of the Nambudiri women, I, for one, however unwilling I may be, shall be ready to help and to support such a measure.

But, Sir, the House must remember that this community has come to this stage, because of the violation of natural laws! At a time, when they had got enormous power, when they were in a position to rule over the rest of the population, they enacted unnatural laws for their own selfish purposes, and they devised also various lines of action to retain the property in the hands of one and the same man so that the property may not be divided into smaller portions. It is a political truism that he who holds the land holds political power. It is for holding and perpetuat-

LIBRARY ARCHIVES Kerala Legislative Assembly

ing that power that they retained the land in one block, and, in order that other members may satisfy the cravings of nature, they allowed them to marry in other communities, and we see that, while the property has been retained in one and the same hand for generations, all those conditions that go to make up human happiness have been destroyed mercilessly and ruthelessly. Therefore, on mature consideration, I have come to the conclusion that a great future for this race could not be built on a foundation of injustice and usurpation of natural rights. Hence I stand against this violation of natural justice in future. I have not allowed myself to be influenced by any extraneous interest. We approached this question with a desire to do the best we can for them. I speak not only for myself but for all my colleagues, that we have approached this question in this way, and if there is a difference of opinion here and there, it is because we could not help having such difference of opinion in some minor matters. Such differences of opinion have been embodied in dissenting minutes and placed before the Council. Therefore, it is vexatious to tell us to go back to consider this question again, because these are problems which admit of no better solution for the present. We do not pretend this Bill is a final measure. It embodies only a transitional stage, and the finality of it will be outright partition. We were of unanimous opinion that partition at this stage would be ruinous to the Nambudiri interests. Hence this attempt at a compromise; hence all the defects of the Bill, inseperable from such an attempt at compromise. These are the few observations I wish to place before you.

The Council rose for the day, it being 5 p. m.

T. K. KRISHNA MENON,

Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly